

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Jesse Edmond,)	Civil Action No.: 1:13-cv-3385-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
William R. Byars, Jr.; Joseph)	
McFadden; J. Blackwell; Tamarra)	
Ravenell; Lt. Williams; and Sgt.)	
Mency; each in his or her individual)	
capacity,)	
)	
Defendants.)	
)	

Plaintiff Jesse Edmond (“Plaintiff”), proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983 against Defendants on December 4, 2013. *See* Complaint, ECF No. 1. On June 2, 2014, Defendants filed a Motion to Dismiss or in the alternative Motion for Summary Judgment. *See* Def.’s Mot., ECF No. 22. The matter is now before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 36. In the R & R, the Magistrate Judge recommends the Court dismiss this action with prejudice for failure to prosecute. *See id.* at 2.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the

recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is **ORDERED** that this action is **DISMISSED with prejudice** for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Defendant’s Motion to Dismiss or in the alternative, Motion for Summary Judgment, ECF No. 22 is **DENIED AS MOOT**.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
November 4, 2014